

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Billy Joe Mills,

Case No. 25-CV-1027 (KMM/ECW)

Petitioner,

ORDER

v.

B. Eischen and FPC Duluth,

Respondents.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated June 5, 2025. ECF 9. The R&R concludes that Petitioner has not exhausted available administrative remedies nor demonstrated that he should be excused from such exhaustion under the circumstances. *Id.* Judge Wright recommends that the habeas petition be denied without prejudice and this action be dismissed. *Id.* No objections have been filed to that R&R in the time permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Having carefully reviewed the R&R and the record, the Court finds no error in the R&R's conclusions and agrees with its recommendations.

Accordingly, **IT IS HEREBY ORDERED** that

1. The R&R (ECF 9) is **ACCEPTED**;
2. The petition for a writ of habeas corpus of Petitioner Billy Joe Mills (ECF 1) is **DENIED WITHOUT PREJUDICE** for failure to exhaust administrative remedies; and
3. This matter is **DISMISSED**.

Let Judgment Be Entered Accordingly.

Date: July 16, 2025

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge